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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 PHILLIP B. ASHDOWN,)
9 Plaintiff,) 3:11-cv-00832-LRH-WGC
10 vs.)
11 PRISON HEALTH SERVICES, et al.,)
12 Defendants.)
13 _____)

14 Before the court is Defendants' Motion for Leave to File Separate Pre-Trial Order (#234¹)
15 with a proposed separate pretrial order (#234-1), Plaintiff's Motion to Strike Defendants'
16 Individual Pretrial Order and Dismissal of Their Request for Leave to File Individually (#236),
17 and Defendants' Opposition to Plaintiff's document #236 (#237). Plaintiff has also requested a
18 status conference regarding this dispute (#238).

19 It appearing that there has been a failure of the parties to be able to jointly prepare and
20 present a proposed pretrial order to the court pursuant to Local Rule 16-3, due at least in part to
21 Plaintiff's incarceration in the state of Texas and Plaintiff's pro se status, and Good Cause
22 Appearings,

23 IT IS HEREBY ORDERED that the court will accept separate proposed pretrial orders in
24 conformity with the requirements of Local Rule 16-3. Defendants have attached their proposed
25 pretrial order as document #234-1 and the court will take the document into consideration in
26 issuing the court's pretrial order.

27 IT IS FURTHER ORDERED that Plaintiff shall have a period of twenty (20) days from
28 the entry of this order to submit his separate proposed pretrial order and any objections he may

¹Refers to this court's docket number.

1 have to Defendants' proposed pretrial order, doc. #234-1. Defendants shall have twenty (20) days
2 to file any objections to Plaintiff's proposed pretrial order from the date of its filing.

3 The court emphasizes that it is the court which issues a pretrial order and the documents
4 submitted by the parties pursuant to Local Rule 16-3 are simply proposals which are designed to
5 identify the parties' individual contentions, the disputed and undisputed facts relevant to the case,
6 the issues of law which the parties believe are to be tried and determined upon trial, specific
7 exhibits to be offered by each party and whether there is opposition to such exhibits, and
8 identification of witnesses each party plans to call at trial.

9 The submission(s) by the parties is designed to aid the court in issuing its pretrial order,
10 the court being likely to accept undisputed facts and the identification of unchallenged exhibits
11 and witnesses. Nothing contained in a proposed pretrial order constitutes evidence in the case
12 unless all parties agree upon the admission of such evidence and the court similarly finds it
13 admissible.

14 A status conference is not necessary in this matter and, therefore, Plaintiff's request
15 (#238) is DENIED.

16 IT IS FURTHER ORDERED that Defendants' Motion for Leave to File Separate Pre-
17 Trial Order (#234) is GRANTED.

18 IT IS FURTHER ORDERED that Plaintiff's Motion to Strike (#236) is DENIED.

19 IT IS SO ORDERED.

20 DATED this 13th day of January, 2015.


21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE

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